



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 2421

KAKU, Junya

Examiner: Not Yet Assigned

Serial No.: 10/578,335

P.T.O. Confirmation No.: 5062

(§371 of International Application PCT/JP04/15210)

For. CONTENT RECORDING APPARATUS

**RESPONSE TO NON-COMPLIANT PRELIMINARY AMENDMENT**  
**FILED MAY 4, 2006**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 23, 2009

Sir:

This is a Response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated February 3, 2009. The Notice informs the applicant that there are two claims labeled claim 15 in the Listing of Claims in the Preliminary Amendment filed May 4, 2006. Accordingly, the applicant submits herewith a Substitute Preliminary Amendment, which re-labels one of such claims as claim 16. It is believed that this Response is fully responsive to the Notice dated February 3, 2009.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Mel R. Quintos  
Attorney for Applicant  
Reg. No. 31,898

MRQ/lrj/ipc

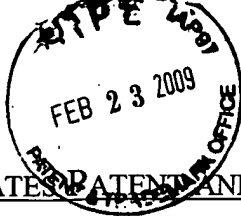
Atty. Docket No. **060363**  
Suite 400  
1420 K Street, N.W.  
Washington, D.C. 20005  
(202) 659-2930



**23850**

PATENT TRADEMARK OFFICE

Enclosure: Substitute Preliminary Amendment

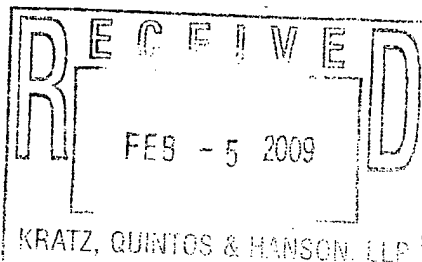


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23850 e 02/03/2009  
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Paper No.


1 mo Response  
Due: MARCH 3, 2009  
NON-COMPLIANT AMDT.

Application No.:	10/578,335	Date Mailed:	02/03/2009
			
First Named Inventor:	Kaku, Junya,	Examiner:	,
Attorney Docket No.:	060363	Art Unit:	2421
Confirmation No.:	5062	Filing Date:	05/04/2006

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DOCKETED  
DATE

  
2/6/09

**Notice of Non-Compliant Amendment  
(37 CFR 1.121)**

Application No.  
10/578,335

Applicant(s)  
KAKU, JUNYA

Art Unit  
1700

FEB 23 2009

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 04 May, 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: TWO CLAIMS 15.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /ANNIE c. SINGLETON/

Telephone No: (571)272-1049